

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TORRIE D. SMITH,

Plaintiff,

v.

EAU CLAIRE COUNTY JAIL STAFF AND OFFICERS,

Defendants.

ORDER

12-cv-527-slc

Plaintiff Torrie Smith, a inmate at the Eau Claire County Jail in Eau Claire, Wisconsin, has submitted a proposed complaint. He requests leave to proceed *in forma pauperis*. However, because plaintiff is a prisoner, he is required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act to pay an initial partial payment of the \$350 filing fee. Plaintiff's initial partial payment cannot be calculated at this time because he has not submitted a full six-month trust fund account statement with his complaint.

Plaintiff's complaint was filed on July 17, 2012. His trust fund account statement should cover the six-month period beginning approximately January 17, 2012 and ending approximately July 17, 2012. Instead, plaintiff submitted a trust fund covering just three months of the relevant period. Therefore, plaintiff must supplement the trust found account information that he has already provided. Plaintiff will need to submit a trust fund account statement for the period between January 17, 2012 and April 23, 2012. Once plaintiff has submitted the supplemental account information, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under § 1915(e)(2). Plaintiff should show a copy of this order to jail officials to insure that they are aware they should send a copy of plaintiff's account statement to this court.

ORDER

IT IS ORDERED that plaintiff Torrie Smith may have until August 17, 2012, in which to submit a supplemental trust fund account statement for the period beginning approximately January 17, 2012 and ending approximately April 23, 2012. If, by August 17, 2012, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily. In that event, the clerk of court is directed to close this case without prejudice to plaintiff's filing his case at a later date.

Entered this 27th day of July, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge